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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,686	03/16/2004	Shinichi Kikuchi	249806US-2S DIV	1637

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EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT PAPER NUMBER

2621

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/800,686

**Applicant(s)**

KIKUCHI ET AL.

**Examiner**

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 and 22-24 is/are allowed.
- 6) ☒ Claim(s) 17 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/6/06 have been fully considered but they are not persuasive.

Applicant argues that claims 17 and 21 are drawn to "information recording medium," not "non-functional material."; that claims 17 and 21 recite "a management area separate from said data area and configured to store said control information" and "the control information is configured to be accessed by the information recording/reproducing apparatus in order to reproduce the audio/video data." And that the control information is functional descriptive material, as the control information is a computer program that imparts functionality when employed as a computer component.

In response, the "data area", "management area", for example, are parts of a recording medium where signal information is recorded for intended use and have no actual functional practical application per se, as far as the recording medium is concerned. And, "control information" is a signal also recorded on the recording medium for intended use, and does not perform any tangible, practical function with tangible results. These recitations are non-functional descriptive materials, and, therefore, non-statutory (see 35 U.S.C. 101 Interim Guidelines of March, 2006).

Applicant further cites a case law which holds that when functional descriptive material is recorded on some computer-readable medium it becomes structurally and

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functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

In response, examiner refers the applicant to the 35 U.S.C. 101 Interim Guidelines, which PTO strictly follows.

***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17&21 are rejected under 35 U.S.C. 101 because the claims are non-functional descriptive material recorded on recording medium, and therefore nonstatutory. "Nonfunctional descriptive material" includes but not limited to music, literary works and a compilation or mere arrangement of data. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make the claim statutory. (see ANNEX IV of 35 U.S.C 101 Interim guidelines of 3/2/06, enclosed).

***Allowable Subject Matter***

4. Claims 18,19,20,22,23&24 are allowable over the prior art of record.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 18, claim 18 is considered allowable because there is no art rejection of claim 17. Claim 17 is rejected under 35 U.S.C 101 only, and there is no art rejection of claim 17.

The invention relates to a digital video system (apparatus and method) capable of real-time recording, and an information recording medium (recordable optical disc) used in this system.

The closest reference Nakai et al (US 5,999,698) disclose a digital video disk or digital versatile disk (DVD disk) capable of recording image and audio data on a signal recording medium and reproducing them in synchronism with each other, and a reproduction system therefor.

However, Nakai et al fail to explicitly disclose an apparatus for reproducing information from an information recording medium of claim 17, where the recording medium further comprises a management area separate from the data area and configured to store control information, wherein the control information includes RTR video manager information having a video manager information management table containing character set code information, the control information includes original PGC information having cell information corresponding to a cell, the original PGC information includes program information having first primary text information, and the first primary text information has two fields, the first field being used for describing in ASCII character set and the second field being used for describing the character set code information,

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the cell information includes cell general information and one or more pieces of cell entry point information corresponding to cell entry points of the cell, one piece of cell entry point information includes type information of one of the cell entry points and information of a presentation time for the one of cell entry points, one piece of the cell entry point information is configured to include second primary text information, the second primary text information has two fields, the first field being used for describing in ASCII character set information and the second field being used for describing in the character set code information.

Regarding claim 19, the invention relates to a digital video system (apparatus and method) capable of real-time recording, and an information recording medium (recordable optical disc) used in this system.

The closest reference Nakai et al (US 5,999,698) disclose a digital video disk or digital versatile disk (DVD disk) capable of recording image and audio data on a signal recording medium and reproducing them in synchronism with each other, and a reproduction system therefor.

However, Nakai et al fail to explicitly disclose a method for recording information on an information recording medium, where the information recording medium comprises a management area separate from the data area and configured to store control information, wherein the control information includes RTR video manager information having a video manager information management table containing character set code information, the control information includes original PGC information having

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cell information corresponding to a cell, the original PGC information includes program information having first primary text information, the first primary text information has two fields, the first field being used for describing in ASCII character set information and the second field being used for describing in the character set code information, the cell information includes cell general information and one or more pieces of cell entry point information corresponding to cell entry points of the cell, one piece of cell entry point information is configured to include second primary text information, the second primary text information has two fields, the first field being used for describing in ASCII character set information and the second field being used for describing in the character set code information.

Regarding claim 20, the invention relates to a digital video system (apparatus and method) capable of real-time recording, and an information recording medium (recordable optical disc) used in this system.

The closest reference Nakai et al (US 5,999,698) disclose a digital video disk or digital versatile disk (DVD disk) capable of recording image and audio data on a signal recording medium and reproducing them in synchronism with each other, and a reproduction system therefor.

However, Nakai et al fail to explicitly disclose a method of reproducing information from an information recording medium, where the information recording medium comprises a management area separate from the data area and configured to store control information, wherein the control information includes RTR video manager

information having a video manager information management table containing character set code information, the control information includes original PGC information having cell information corresponding to a cell, the original PGC information includes program information having first primary text information, the first primary text information has two fields, the first field being used for describing in ASCII character set information and the second field being used for describing in the character set code information, the cell information includes cell general information and one or more pieces of cell entry point information corresponding to cell entry points of the cell, one piece of cell entry point information is configured to include second primary text information, the second primary text information has two fields, the first field being used for describing in ASCII character set information and the second field being used for describing in the character set code information.

Regarding claim 22, claim 22 is considered allowable because there is no art rejection of claim 21. Claim 21 is rejected under 35 U.S.C 101 only, and there is no art rejection of claim 21.

The invention relates to a digital video system (apparatus and method) capable of real-time recording, and an information recording medium (recordable optical disc) used in this system.

The closest reference Nakai et al (US 5,999,698) disclose a digital video disk or digital versatile disk (DVD disk) capable of recording image and audio data on a signal



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recording medium and reproducing them in synchronism with each other, and a reproduction system therefor.

However, Nakai et al fail to explicitly disclose an apparatus for reproducing information from an information recording medium as defined in claim 21, where the recording medium further comprises a management area separate from the data area and configured to store control information, wherein the control information includes RTR video manager information having video manager information management table containing character set code information, wherein the control information includes original PGC information having cell information corresponding to cell, the original PGC information includes program information having one primary text information, the one primary text information has two fields, the first field being used for describing in ASCII character set and the second field being used for describing in the character set code information, wherein the cell information includes cell general information and one or more pieces of cell entry point information corresponding to cell entry points of the cell, wherein one piece of cell entry point information is configured to include the other primary text information, and the other primary text information has two fields, the first field being used for describing in ASCII character set and the second field being used for describing in the character set code information.

Regarding claim 23, the invention relates to a digital video system (apparatus and method) capable of real-time recording, and an information recording medium (recordable optical disc) used in this system.

The closest reference Nakai et al (US 5,999,698) disclose a digital video disk or digital versatile disk (DVD disk) capable of recording image and audio data on a signal recording medium and reproducing them in synchronism with each other, and a reproduction system therefor.

However, Nakai et al fail to explicitly disclose a method for recording information on an information recording medium, where the recording medium comprises a management area separate from the data area and configured to store control information, wherein the control information includes RTR video manager information having a video manager information management table containing character set code information, wherein the control information includes original PGC information having cell information corresponding to a cell, and the original PGC information includes program information having one primary text information, and the one primary text information has two fields, the first field containing ASCII character set and the second field being used for describing the character set code information, wherein the cell information includes cell general information and one or more pieces of cell entry point information corresponding to cell entry points of the cell, one piece of cell entry point information type information of one of the cell entry points and information of a presentation time for the one of cell entry points, wherein one piece of the cell entry point information is configured to include the other primary text information, and the other primary text information has two fields, the first field being used for describing in ASCII character set and the second field being used for describing in the character set code information.

Regarding claim 24, the invention relates to a digital video system (apparatus and method) capable of real-time recording, and an information recording medium (recordable optical disc) used in this system.

The closest reference Nakai et al (US 5,999,698) disclose a digital video disk or digital versatile disk (DVD disk) capable of recording image and audio data on a signal recording medium and reproducing them in synchronism with each other, and a reproduction system therefor.

However, Nakai et al fail to explicitly disclose a method of reproducing information from an information recording medium, where the information recording medium comprises a management area separate from the data area and configured to store control information, wherein the control information includes RTR video manager information having video manager information management table containing character set code information, wherein the control information includes original PGC information having cell information corresponding to a cell, the original PGC information includes program information having one primary text information, the one primary text information has two fields, the first field being used for describing in ASCII character set and the second field being used for describing in the character set code information, wherein the cell information includes cell general information and one or more pieces of cell entry point information corresponding to cell entry points of the cell, wherein one piece of cell entry point information is configured to include the other primary text information, and the other primary text information has two fields, the first field being

used for describing in ASCII character set and the second field being used for describing in the character set code information.

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO

11/15/06

  
**James J. Groody**  
**Supervisory Patent Examiner**  
**Art Unit 2622**